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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,003	09/29/2003	Takehiro Nakamura	15689.49.7	2384

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Brown Raysman Millstein Felder & Steiner LLP
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EXAMINER

AJIBADE AKONAI, OLUMIDE

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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12/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/674,003	Applicant(s) NAKAMURA ET AL.	
	Examiner Olumide T. Ajibade-Akonai	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :5/11/06, 8/31/2005, 8/01/2005, 6/10/2005, 12/21/2004, 9/29/2003.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10 are rejected under 35 U.S.C. 102(e) as being anticipated by **Michel et al 5,828,947 (hereinafter Michel)**.

Regarding **claims 10, 11, 19, and 20**, Michel discloses a communication system and method comprising a first communication apparatus (station SE, see fig. 2, col. 5, lines 35-37) and a second communication apparatus (station SR, see fig. 2, col. 5, lines 36-38), wherein the first communication apparatus comprises: reception means (RCX 14, see fig. 2, col. 7, lines 7-11) for receiving transmission power control information (Q1, Q2, QT, see fig. 2, col. 7, lines 7-11) from the second communication apparatus (see col. 7, lines 7-11); first control means (power control units 10 or 11, see fig. 2, col. 7, lines 12-14) for carrying out transmission power control in accordance with a control pattern before the first communication apparatus becomes able to receive the transmission power control information (cyclic regulation of power transmitted produced by transmitter 15 in response to signal quality levels received from station SR at periodic intervals, indicating power control prior to receiving another signal quality

measurement, see abstract, col. 6, lines 60-67, col. 7, lines 1-32); and second control means (power control unit 12, see fig. 1, col. 5, lines 40-41) for carrying out transmission power control in accordance with the transmission power control information after the first communication apparatus becomes able to receive the transmission power control information (regulation of power transmitted produced by transmitter 15 in response to signal quality levels QT received from station SR at periodic intervals see abstract, col. 6, lines 60-67, col. 7, lines 1-32), and the second communication apparatus comprises: transmission means (TRX 22, see fig. 1, col. 5, lines 42-44) for transmitting the transmission power control information to the first communication apparatus (see col. 7, lines 7-11).

Regarding **claim 12**, as applied to claim 11, Michel further discloses wherein the control pattern is a pattern for increasing transmission power step by step (regulation of power transmitted produced by transmitter 15 in response to signal quality levels QT received from station SR at periodic intervals see abstract, col. 6, lines 60-67, col. 7, lines 1-32).

Regarding **claim 13**, as applied to claim 12, Michel further discloses wherein the control pattern is a pattern for increasing the transmission power to a predetermined value, and subsequently, less rapidly increasing the transmission power (regulation of power transmitted produced by transmitter 15 in response to signal quality levels QT received from station SR at periodic intervals see abstract, col. 6, lines 60-67, col. 7, lines 1-32, col. 9, lines 21-53).

Regarding **claim 14, 16, 21, and 23**, Michel discloses a communication system and method comprising a first communication apparatus (station SE, see fig. 2, col. 5, lines 35-37) and a second communication apparatus (station SR, see fig. 2, col. 5, lines 36-38), wherein the first communication apparatus comprises: first transmission means (TRX 15, see fig. 2, col. 5, lines 39-41) for transmitting power control information to the second communication apparatus (COM1, COM2, COMT, see col. 7, lines 13-20); and second transmission means (TRX 15, see fig. 2, col. 5, lines 39-41) for transmitting information regarding an initial value of transmission power to the second communication apparatus (COM1, COM2, COMT, see col. 7, lines 13-20); and second the second communication apparatus comprises: first reception means for receiving the transmission power control information from the first communication apparatus (RCX 20, see fig. 2, col. 5, lines 42-43); control means (power control unit 12, see fig. 1, col. 5, lines 40-41) for carrying out transmission power control in accordance with the transmission power control information after the second communication apparatus becomes able to receive the transmission power control information (cyclic regulation of power transmitted produced by transmitter 15 in response to signal quality levels received from station SR at periodic intervals, indicating power control prior to receiving another signal quality measurement, see abstract, col. 6, lines 60-67, col. 7, lines 1-32); and second reception means for receiving the information regarding the initial value of the transmission power (Q1, Q2, QT, see fig. 2, col. 7, lines 7-11) from the first communication apparatus (see col. 7, lines 7-11), and the control means sets an initial value of transmission power in accordance with the information regarding the initial

value of the transmission power and carries out the transmission power control (regulation of power transmitted produced by transmitter 15 in response to signal quality levels QT received from station SR at periodic intervals see abstract, col. 6, lines 60-67, col. 7, lines 1-32).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 15, 17, 18, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Michel et al 5,828,947 (hereinafter Michel)** in view of **Jensen et al 5,671,219 (hereinafter Jensen)**.

Regarding **claims 17 and 24**, Michel discloses a communication apparatus and method comprising a first transmission means (TRX 15, see fig. 2, col. 5, lines 39-41) for transmitting power control information to another communication apparatus (Q1, Q2, QT, see fig. 2, col. 7, lines 7-11); and second transmission means (TRX 15, see fig. 2, col. 5, lines 39-41) for transmitting information regarding an initial value of transmission power to the second communication apparatus information (cyclic regulation of power transmitted produced by transmitter 15 in response to signal quality levels received from station SR at periodic intervals, indicating power control prior to receiving another signal quality measurement, see abstract, col. 6, lines 60-67, col. 7, lines 1-32). Michel fails to disclose wherein the first transmission means transmits a predetermined pattern as the transmission power control information before said communication apparatus becomes able to synchronize with a signal from said another communication apparatus. In an analogous art, Jensen discloses wherein the first transmission means transmits a predetermined pattern as the transmission power control information before said communication apparatus becomes able to synchronize with a signal from said another communication apparatus (transmission of power control pulse to adjust power output at user station and synchronize a user mobile station with a base station broadly reading

on the recited limitation, see col. 10, lines 59-67, col. 20, lines 26-32). It would therefore have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Jensen into the system of Michel for the benefit of synchronizing the base station with the user station.

Regarding **claims 15 and 22**, as applied to claims 14 and 21, Michel discloses the claimed limitation except wherein the first transmission means transmits a predetermined pattern as the transmission power control information before said communication apparatus becomes able to synchronize with a signal from said another communication apparatus. In an analogous art, Jensen discloses wherein the first transmission means transmits a predetermined pattern as the transmission power control information before said communication apparatus becomes able to synchronize with a signal from said another communication apparatus (transmission of power control pulse to adjust power output at user station and synchronize a user mobile station with a base station broadly reading on the recited limitation, see col. 10, lines 59-67, col. 20, lines 26-32). It would therefore have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Jensen into the system of Michel for the benefit of synchronizing the base station with the user station.

Regarding **claim 18**, as applied to claim 17, Michel further discloses a means for varying the predetermined pattern (col. 6, lines 60-67, col. 7, lines 1-32, col. 9, lines 21-53).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rom 5,450,616 discloses a method and apparatus for power control in a wireless LAN.

Halpern 4,613,990 discloses radiotelephone transmission power control.

Giger 4,495,648 discloses transmitter power control circuit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olumide T. Ajibade-Akonai whose telephone number is 571-272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

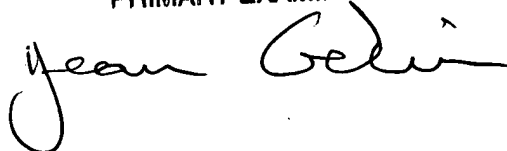
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JEAN GELIN
PRIMARY EXAMINER

OA
QA

A handwritten signature in black ink, appearing to read "Jean Gelin", is written over the printed name and title.